

## **Region 4 Florida Update – August 2020**

### **Fairfax Street Wood Treaters, Jacksonville, Duval County (Superfund)**

- The Remedial Action (RA) began and finished in 2019.
- 12.5 acre and 51 Residential properties were remediated to unlimited use and unrestricted exposure cleanup standards.
- The Notice of Deletion for the Site was published in the Federal Register on August 18, 2020, making the deletion final

### **Iron Triangle Site, Escambia County, Florida (Superfund)**

- Site is being prioritized for time-critical removal to mitigate risks associated with lead contamination in soil at the former industrial facility.
- Over 15,500 tons on lead contaminated soil was excavated and disposed.
- The time-critical removal was completed July 16, 2020.

### **Petroleum Products Superfund Site, Pembroke Park, Broward County (Superfund)**

- A former waste oil recycling pit (approximately 2 acres) that was closed out and backfilled in the early 1970's. The property is now used for commercial/industrial purposes and has more than fifteen large warehouse/storage buildings constructed over the former waste oil pits.
- Remediation of the site will require demolition of at least five of the warehouse/storage buildings to access and remediate the contaminated soils and waste oil sludge buried underneath. Remediation costs are projected between \$40 to \$50 million and will result in disruption of the storage unit business and that of the small business that operate out of numerous bay units.
- A ROD was scheduled for the fourth quarter of 2019 but has slipped to FY 2020 due to addressing comments from the State/ PRP groups, in addition to briefings with Headquarters and the recent furlough.

### **404 Assumption (Water)**

- Florida submitted a request to assume a Section 404 program on August 20, 2020.
- EPA Region 4 Administrator Mary S. Walker and Noah Valenstein, Secretary of the Florida Department of Environmental Protection (FDEP), signed a Memorandum of Agreement (MOA) outlining state and federal program administration and enforcement responsibilities (July 31, 2020). The MOA is one of several required elements in a package for Florida to assume a CWA Section 404 program.
- Once EPA determines all the package components are included, EPA will have 120 days from the date of receipt to review the request and FDEP's program for consistency with the CWA requirements, coordinate with our federal partners, solicit public comment, and make a determination on FDEP's request.
- EPA will consult with the USFWS under ESA Section 7 on the approval of Florida's program. To initiate consultation, the Agency will submit a biological evaluation to the USFWS, which evaluates the possible effects of EPA's potential approval of an assumption request on ESA-listed species, proposed species, designated critical habitat, and proposed critical habitat. A biological evaluation also considers whether EPA's approval of an assumption request is likely to adversely affect any species or habitat.
- EPA will also initiate consultation under Section 106 of the NHPA on the approval of Florida's program. The Agency will develop a Programmatic Agreement that builds upon the strong Operating

Agreement signed by the Florida Department of Environmental Protection and the State Historic Preservation Office.

#### **Harmful Algal Blooms (Water)**

- HABs are a common occurrence in South Florida, especially in Lake Okeechobee and the downstream St. Lucie and Caloosahatchee estuaries.
- Significant algal bloom and red tide events occurred in 2016 and 2018 that resulted in human health issues, marine mammal and fish kills, and widespread economic losses. During 2020, releases to the St. Lucie and Caloosahatchee estuaries have been minimal as a result of holding Lake Okeechobee levels low going into the summer wet season.
- As of July 10, 2020, Lake Okeechobee shows a 45% bloom potential concentrated in the center of the lake. Various algae samples taken by the SFWMD in canals surrounding Lake Okeechobee contained some microcystin, but none showed cyanobacteria.
- During 2020, saltwater red tide has not been problematic, as it was in 2019. The long-term solution for preventing HABs is the reduction of nutrients from agriculture, failing septic tanks, and fertilizer use at homes with programs being implemented under Florida's authorities.

#### **Everglades Agricultural Area Reservoir (Water)**

- South Florida Water Management District (SFWMD) is moving ahead of the Army Corps of Engineers to build the New Water component of the Central Everglades Planning Project.
- The project includes a combination of canals, stormwater treatment areas (STAs), and a storage reservoir intended to improve water quality that flows to the Everglades and ultimately Florida Bay.
- The project is also expected to reduce potential harmful releases from Lake Okeechobee to the St. Lucie and Caloosahatchee Estuaries.
- The EPA provided a letter of support in February 2020 for the project's Final Environmental Impact Statement.
- The Corps has been seeking EPA's input on water quality standards, treatment and permitting issues.

#### **Aquaculture (Water/NEPA)**

- In February 2017, the USEPA entered a Memorandum of Understanding (MOU) with six other federal agencies with the purpose of improving coordination and to streamline the regulatory permitting process for aquaculture facilities in Federal waters in the Gulf of Mexico (GOM). The six other federal agencies are: Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers (USACE), U.S. Coast Guard (USCG), and U.S. Fish and Wildlife Service (USFWS). Because of a recent court case, NMFS indicated that they will no longer be the lead agency on consultations or NEPA if they are not the permit issuance agency; the responsibility will fall on EPA as the permitting agency.
- EPA is the permit issuance agency for facilities discharging pollutants into federal waters. In accordance with the MOU, issuance of the permit described below will be done in close coordination with other federal agencies.
- In January 2018, EPA R4 received a permit application from Kampachi Farms for a proposed aquaculture facility located approximately 45 miles from the western coast of Florida. The proposed facility is a research-scale project that includes a single net pen producing <200,000 lbs/year of Almaco Jack. The permit was public noticed on September 1 for 30 days. Over 43,000 comments

were received. A public hearing was held in January. R4 is currently preparing responses to comments and plans to issue the permit by the end of FY20.

#### **Methane Release (ECAD – ENFORCEMENT CONFIDENTIAL)**

- In May 2020, an unexplained mass atmospheric release of methane occurred in the Gainesville, FL area.
- Preliminary findings indicate that the release may have occurred from maintenance operations at a natural gas compressor station.
- EPA is investigating the cause and any potential Clean Air Act violations associated with the release.
- The Agency has received numerous inquiries from press and elected officials.

#### **Valdosta, GA Sewage Spill (ECAD)**

- Between 12/3/19 and 12/5/19, a contractor error at a lift station resulted in an approximately 7.5-million-gallon sewage discharge that eventually reached the Withlacoochee River. The spill occurred approximately 40 miles upstream of the GA-FL state line.
- In June 2016, Valdosta relocated their Withlacoochee Wastewater Treatment Plant to higher ground, which reduced the number of overflows due to continual plant flooding. However, the City still needs to fix problems throughout their entire sewer system.
- GA EPD executed a Consent Order with the City of Valdosta on August 11, 2020. The order contains a penalty amount of \$122,000 and work to address on-going problems and prevent future spills.
- Region 4 has worked closely with the State, providing technical support, during the development of the enforcement action. Region 4 is also actively engaging with local elected officials in the North Florida area with both in person meetings and telephone discussions to help address their concerns and relay their requests to GA EPD.

#### **Glade County, Florida ICE Detention Facility**

- On June 30, 2020, we were made aware from the Federal Facility Enforcement Office of a possible FIFRA issue at federal facilities in Regions 4, 9 and 10. News articles are reporting that detainees at ICE facilities allege that disinfectants are being used to control coronavirus is being misapplied, causing illnesses including headaches, nausea, fainting, skin rashes, and nose bleeds among facility detainees.
- 30+ Members of Congress sent a letter to the Department of Homeland Security's Inspector General on June 23, 2020, seeking an investigation into the use of chemical disinfectants at ICE facilities in "California, Florida, and elsewhere."
- It has been alleged that the product "Mint Disinfectant" produced by the Spartan Chemical Company may have been misused at the Glades County Detention Center in Florida.
- On July 10, 2020, EPA Region 4 referred this matter to the Florida Department of Agriculture and Consumer Services (FDACS) to investigate under its state authority. States have primary enforcement authority over matters involving the use of pesticides.
- FDACS informed us that the inspection was conducted on July 23, 2020. The state is completing its investigation and will notify us of the outcome.

#### **State Authorizations (LCRD)**

- Florida's Program Revision Application for RCRA clusters XXVI, XXVII and for revisions to checklist 233 was received on October 2, 2019. EPA is currently reviewing the application before submitting a proposed federal register notice asking for public comments before final authorization is granted. No comments were received, and a final notice was published and made effective on June 1, 2020.

### **Port Everglades Expansion Project – (NEPA/Water)**

- The project is the deepening and expansion of Port Everglades harbor (WRDA authorized). The Army Corps of Engineers (COE) Jacksonville District is the lead agency with EPA as a cooperating agency due to its responsibilities under MPRSA Section 103 for the expansion of the Ocean Dredged Materials Disposal site (ODMDS) and transportation of the dredged material.
- Key environmental issues include coral (endangered species), mangroves and seagrasses (wetlands), and water quality. EPA Region 4 is serving on the Interagency Working Group hosted by the COE to work on these issues, specifically regarding avoidance and minimization of impacts, habitat assessment protocols, mitigation of impacts, and related issues. EPA R4 (dive team) has also worked with National Marine Fisheries Service (NMFS) to do sediment assessments on the reef tract related to this project.
- EPA provided a draft EA, draft SMMP, and draft rule for public review related to the expansion of the ODMDS offshore this calendar year. EPA published a preliminary FONSI on August 7 for 30 days. The goal is to finalize the expansion of the ODMDS by the end of CY 2020. COE rescinded a Record of Decision in 2016 and expects to publish new NEPA documents later this year.
- COE is drafting a Supplemental Environmental Assessment to address concerns brought in litigation related to similar insufficient methods used in Port of Miami that resulted in extensive coral impacts. EPA is pursuing an ongoing case.
- Continued controversy from the public and environmental groups is expected. A supplemental NEPA document from the COE is underway. COE is requesting a water quality permit from Florida and consultations for ESA and EFH with NMFS expected December 2020.

### **Gulf Coast Parkway Construction (NEPA)**

- Project includes a new high-level bridge over the Intercoastal waterway with 30-miles of multi-lane, new location highway in Bay and Gulf Counties. NEPA Program office is working with Florida Department of Transportation (FLDOT) and other agencies on outstanding environmental concerns.
- Key environmental issues include wetlands and streams, water quality, threatened and endangered species, wildlife habitat fragmentation, essential fish habitat, environmental justice, and indirect and cumulative impacts. A Draft Environmental Impact Statement (EIS) rated Environmental Concerns (EC-1) on May 30, 2014. Through the FLDOT screening and decision-making process, the preferred alternative was elevated to a dispute resolution process.
- The proposed project is on the OMB Fast-41 Dashboard ('high priority') list and the NEPA Section reviewed a preliminary NEPA document from the FLDOT in May of 2019. A final EIS was reviewed and an EPA comment letters was sent to FDOT on 1/21/20. On 5/4/2020, FDOT issued a record of decision on the project. There may be controversy from environmental groups who in the past expressed opposition to the project.